

This listing of claims will replace all prior versions, and listing, of claims in the application.

Listing of Claims:

1. **(Currently Amended)** A pharmaceutical composition comprising metaxalone and at least one pharmaceutically acceptable excipient[s], characterized in that the pharmaceutical composition has enhanced oral bioavailability as compared to the conventional pharmaceutical composition of metaxalone available commercially when administered without food to a patient who has fasted.
2. **(Currently Amended)** A pharmaceutical composition as claimed in claim 1, wherein the metaxalone ~~used is~~ in a pharmaceutically acceptable solubility-improved form.
3. **(Original)** A pharmaceutical composition as claimed in claim 2, wherein the solubility-improved form is micronised metaxalone.
4. **(Original)** A pharmaceutical composition as claimed in claim 2, wherein the solubility-improved form is a salt form of metaxalone.
5. **(Currently Amended)** A pharmaceutical composition as claimed in claim 2, wherein the solubility-improved form is a ~~high-energy~~ crystalline form of metaxalone.
6. **(Original)** A pharmaceutical composition as claimed in claim 2, wherein the solubility-improved form is amorphous metaxalone.
7. **(Original)** A pharmaceutical composition as claimed in claim 1, wherein the composition comprises a mixture of metaxalone and a solubilizing agent.
8. **(Currently Amended)** A pharmaceutical composition as claimed in claim 1 ~~comprising metaxalone and pharmaceutically acceptable excipients,~~ wherein the metaxalone ~~used has~~ comprises the following particle size distribution characteristics: 99% undersize value between 10 and 40 μ m, ~~90% undersize value between 6 and 30 μ m, and 50% undersize value between 3 and 10 μ m~~ in diameter, characterised in that the pharmaceutical composition has enhanced oral bioavailability.

9. **(Currently Amended)** A pharmaceutical composition as claimed in claim [8] 1, wherein the metaxalone ~~used~~ has specific surface area per unit volume of more than $1.5\text{m}^2/\text{cm}^3$.

10. **(Currently Amended)** A pharmaceutical composition as claimed in claim 9, wherein the metaxalone ~~used~~ has specific surface area per unit volume of more than $2.5\text{m}^2/\text{cm}^3$.

11. **(Currently Amended)** A pharmaceutical composition as claimed in claim 10, wherein the metaxalone ~~used~~ has specific surface area per unit volume of more than $3.0\text{m}^2/\text{cm}^3$.

12. **(Currently Amended)** A pharmaceutical composition as claimed in claim [8] 1, wherein the metaxalone ~~used~~ has comprises the following particle size distribution characteristics: 99% undersize value of $40\mu\text{m}$, 90% undersize value of $30\mu\text{m}$, and 50% undersize value of $10\mu\text{m}$.

13. **(Currently Amended)** A pharmaceutical composition as claimed in claim [12] 1, wherein the metaxalone ~~used~~ has comprises the following particle size distribution characteristics: 99% undersize value of $30\mu\text{m}$, 90% undersize value of $14\mu\text{m}$, and 50% undersize value of $6\mu\text{m}$.

14. **(Currently Amended)** A pharmaceutical composition as claimed in claim [13] 1, wherein the metaxalone ~~used~~ has comprises the following particle size distribution characteristics: 99% undersize value of $10\mu\text{m}$, 90% undersize value of $5\mu\text{m}$, and 50% undersize value of $3\mu\text{m}$.

15. **(Currently Amended)** A pharmaceutical composition as claimed in claim 1, wherein the amount of metaxalone ~~used~~ is in the range of 400mg to 1600mg.

16. **(Currently Amended)** A pharmaceutical composition as claimed in claim 1, wherein the pharmaceutically acceptable excipient ~~includes~~ comprises a wetting agent.

17. **(Currently Amended)** A pharmaceutical composition as claimed in claim 16, wherein the wetting agent ~~used is~~ comprises a surfactant.

18. **(Currently Amended)** A pharmaceutical composition as claimed in claim 17, wherein the surfactant ~~used is~~ comprises sodium lauryl sulfate.

19 – 22 **(Cancelled)**

23. **(Previously Presented)** A pharmaceutical composition as claimed in claim 1 wherein the pharmaceutical composition further comprises an analgesically effective amount of a non-steroidal anti-inflammatory drug, wherein said nonsteroidal anti-inflammatory drug comprises a propionic acid derivative, acetic acid derivative, fenamic acid derivative, biphenylcarboxylic acid derivative or an oxicam, or the pharmaceutically acceptable salts thereof.

24. **(Currently Amended)** A pharmaceutical composition as claimed in claim [8] 2 wherein the pharmaceutical composition further comprises an analgesically effective amount of a non-steroidal anti-inflammatory drug, wherein said nonsteroidal anti-inflammatory drug comprises a propionic acid derivative, acetic acid derivative, fenamic acid derivative, biphenylcarboxylic acid derivative or an oxicam, or the pharmaceutically acceptable salts thereof.

25 – 26 **(Cancelled)**

27. **(New)** A pharmaceutical composition comprising metaxalone and at least one pharmaceutically acceptable excipient, wherein at least 99% of the metaxalone has a particle size not more than about 10 μ m in diameter.

28. **(New)** A pharmaceutical composition in solid dosage form comprising an effective amount of metaxalone and at least one pharmaceutically acceptable excipient wherein the dosage form has an enhanced oral bioavailability as compared to the metaxalone product of New Drug Application No. 13-217.